

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1755-PWS-E TCEQ ID: RN100542711 CASE NO.: 34620
RESPONDENT NAME: E.I. du Pont de Nemours and Company

Page 1 of 2

| | | |
|--|---|---|
| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: DuPont Sabine River Works, 3055 Farm-To-Market Road 1008, Orange, Orange County</p> <p>TYPE OF OPERATION: Petrochemical refining facility with a surface water treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2004-1135-MLM-E, 2008-0037-AIR-E, and 2008-0499-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jim Bass, Power Area Superintendent, E.I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631 Mr. Michael N. Sanchez, Site Manager, E.I. du Pont de Nemours and Company, P.O. Box 1089, Orange, Texas 77631 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 11, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 18, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failure to provide at least a 0.5-log inactivation of Giardia lamblia cysts and a 2-log inactivation of viruses [30 TEX. ADMIN. CODE § 290.110(b)(1)(A) and (f)(4)].</p> <p>2) Failure to maintain the combined filter effluent turbidity at 0.3 Nephelometric Turbidity Units ("NTU") or less in at least 95% of the samples tested and failure to maintain the combined filter effluent below 1.0 NTU [30 TEX. ADMIN. CODE § 290.111(b)(1)(A)(i) and (a)(ii) and (f)(5)].</p> <p>3) Failure to measure and record the turbidity level of the combined filter effluent at least once each day [30 TEX. ADMIN. CODE § 290.111(c)(1)(A) and (f)(2)].</p> | <p>Total Assessed: \$5,342</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,342</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that documentation was submitted to the TCEQ showing that the Respondent came into compliance on or about February 1, 2007.</p> |

Additional ID No(s): 1810114



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

| | | | | | | |
|--------------|-----------------|------------|------------------|------------|----------------|-------------|
| DATES | Assigned | 6-Aug-2007 | Screening | 4-Sep-2007 | EPA Due | 28-Feb-2008 |
| | PCW | 4-Sep-2007 | | | | |

| | |
|--|-------------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | E.I. du Pont de Nemours and Company |
| Reg. Ent. Ref. No. | RN100542711 |
| Facility/Site Region | 10-Beaumont |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|--------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 34620 | No. of Violations | 3 |
| Docket No. | 2007-1755-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Enf. Coordinator | Tel Croston |
| Multi-Media | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **94% Enhancement** **Subtotals 2, 3, & 7**

Notes The penalty enhancement is due to one Agreed Order containing a denial of liability, eight Notices of Violations (NOVs) with the same or similar violations and 20 unrelated NOVs issued in the past five years. Penalty was reduced by four Notices of Intent to Audit and one Disclosure of Violation.

Culpability **0% Enhancement** **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **25% Reduction** **Subtotal 5**

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | X | |
| N/A | | (mark with x) |

Notes The Respondent came into compliance on February 1, 2007.

Total EB Amounts **0% Enhancement*** **Subtotal 6**
Approx. Cost of Compliance ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTAL **2/28/2007** **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **76%** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Enhancement recommended for the recovery of avoided compliance cost.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **0%** **Reduction** **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is offered for a Findings Order.

PAYABLE PENALTY

Screening Date 4-Sep-2007

Docket No. 2007-1755-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34620

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-----------|--------------|-------------------|---------|
|-----------|--------------|-------------------|---------|

| | | | |
|-------------------------------|--|----|-----|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 8 | 40% |
| | Other written NOVs | 20 | 40% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 4 | -4% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 1 | -2% |

Please Enter Yes or No

| | | | |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 94%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one Agreed Order containing a denial of liability, eight Notices of Violations (NOVs) with the same or similar violations and 20 unrelated NOVs issued in the past five years. Penalty was reduced by four Notices of Intent to Audit and one Disclosure of Violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 4-Sep-2007

Docket No. 2007-1755-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34620

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.110 (b)(1)(A) and (f)(4)

Violation Description

Failed to provide at least a 0.5-log inactivation of Giardia lamblia cysts and a 2-log inactivation of viruses for the months of November 2004, December 2005, and January and February 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | x | |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failure to meet the required concentration levels has exposed human health to significant amounts of pollutants which did not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 4

120 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$1,000

Four monthly events are recommended based on the violation dates of November 2004, December 2005, and January and February 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,112

Violation Final Penalty Total \$2,968

This violation Final Assessed Penalty (adjusted for limits) \$2,968

Economic Benefit Worksheet**Respondent** E.I. du Pont de Nemours and Company**Case ID No.** 34620**Reg. Ent. Reference No.** RN100542711**Media** Public Water Supply**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

| | | | | | | | |
|-------------------------------|---------|------------|-------------|-----|-------|---------|---------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | \$1,000 | 1-Nov-2004 | 28-Feb-2006 | 2.2 | \$112 | \$1,000 | \$1,112 |

Notes for AVOIDED costs

Estimated cost to provide at least a 0.5-log inactivation of *Giardia lamblia* cysts and a 2-log inactivation of viruses.
 Date required is the first month of noncompliance. Final date is the last month of noncompliance.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,112

Screening Date 4-Sep-2007

Docket No. 2007-1755-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34620

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.111(b)(1)(A)(i) and (a)(ii) and (f)(5)

Violation Description

Failed to maintain the water turbidity of the combined filter effluent at 0.3 Nephelometric Turbidity Units ("NTU") or less in at least 95% of the samples tested in May and December 2006 and January 2007 and failed to maintain the combined filter effluent below 1.0 NTU in May 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | x | |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Exceeding the turbidity level has exposed human health to significant amounts of pollutants which did not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

90 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$750

Three monthly events are recommended based on the violations which occurred during the months of May and December 2006, and January 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,241

Violation Final Penalty Total \$2,226

This violation Final Assessed Penalty (adjusted for limits) \$2,226

Economic Benefit Worksheet**Respondent** E.I. du Pont de Nemours and Company**Case ID No.** 34620**Reg. Ent. Reference No.** RN100542711**Media** Public Water Supply**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|---------|------------|------------|-----|------|---------|---------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$1,150 | 1-May-2006 | 1-Jan-2007 | 1.6 | \$91 | \$1,150 | \$1,241 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to maintain water turbidity of the combined filter effluent below 0.3 NTU in at least 95% of the samples taken. Date required is the first month of noncompliance. Final date is the last month of noncompliance.

Approx. Cost of Compliance

\$1,150

TOTAL

\$1,241

Screening Date 4-Sep-2007

Docket No. 2007-1755-PWS-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 34620

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100542711

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.111(c)(1)(A) and (f)(2)

Violation Description Failed to measure and record the turbidity level of the combined filter effluent at least once each day. Specifically, the Respondent failed to collect data for one day in May 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | x |

Percent 5%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Failing to monitor the turbidity level of the combined filter effluent may result in undetected contaminated water being distributed to the public at levels which do not exceed levels that are protective of human health

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$148

This violation Final Assessed Penalty (adjusted for limits) \$148

Economic Benefit Worksheet**Respondent** E.I. du Pont de Nemours and Company**Case ID No.** 34620**Reg. Ent. Reference No.** RN100542711**Media** Public Water Supply**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

| | | | | | | | |
|-------------------------------|-------|------------|------------|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | \$150 | 1-May-2006 | 2-May-2006 | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated cost to collect one days worth of data, calculated for the 24 hour period in which data was not collected.

Approx. Cost of Compliance

\$150

TOTAL

\$0

Compliance History

| | | | | |
|-------------------------------------|------------------------|--------------------------------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600128284 | E. I. du Pont de Nemours and Company | Classification: AVERAGE | Rating: 2.15 |
| Regulated Entity: | RN100542711 | DUPONT SABINE RIVER | Classification: AVERAGE | Site Rating: 1.70 |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | OC0007J | |
| | AIR OPERATING PERMITS | PERMIT | 1350 | |
| | AIR OPERATING PERMITS | PERMIT | 1868 | |
| | AIR OPERATING PERMITS | PERMIT | 1895 | |
| | AIR OPERATING PERMITS | PERMIT | 1896 | |
| | AIR OPERATING PERMITS | PERMIT | 1897 | |
| | AIR OPERATING PERMITS | PERMIT | 1898 | |
| | AIR OPERATING PERMITS | PERMIT | 1899 | |
| | AIR OPERATING PERMITS | PERMIT | 1900 | |
| | AIR OPERATING PERMITS | PERMIT | 1901 | |
| | AIR OPERATING PERMITS | PERMIT | 1996 | |
| | AIR OPERATING PERMITS | PERMIT | 2001 | |
| | AIR OPERATING PERMITS | PERMIT | 2055 | |
| | AIR OPERATING PERMITS | PERMIT | 2074 | |
| | AIR OPERATING PERMITS | PERMIT | 2331 | |
| | AIR OPERATING PERMITS | PERMIT | 1882 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 9629 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 914 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 914A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1302 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1303 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1387 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423A | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423B | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1423C | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1468 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 1790 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2004 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2116 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 2490 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 5745 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 7021 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 9176 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 9468 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 10447 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 11434 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 12967 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 16327 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 17157 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 20204 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 21236 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 22977 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 23646 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 24252 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 26132 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 25167 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 26158 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 26325 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 26410 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 28148 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 32733 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 36046 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 37488 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 41263 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 42054 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 44528 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 46790 | |
| | AIR NEW SOURCE PERMITS | PERMIT | 47671 | |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | OC0007J | |

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|--------------------------------|--------------|-------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 72030 |
| AIR NEW SOURCE PERMITS | PERMIT | 71863 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75999 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75839 |
| AIR NEW SOURCE PERMITS | PERMIT | 49076 |
| AIR NEW SOURCE PERMITS | AFS NUM | 4836100002 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 70647 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 70650 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71054 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71338 |
| AIR NEW SOURCE PERMITS | PERMIT | 53130 |
| AIR NEW SOURCE PERMITS | PERMIT | 56781 |
| AIR NEW SOURCE PERMITS | PERMIT | 53324 |
| AIR NEW SOURCE PERMITS | PERMIT | 55710 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 71829 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 72443 |
| AIR NEW SOURCE PERMITS | PERMIT | 53572 |
| AIR NEW SOURCE PERMITS | PERMIT | 56055 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73921 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73779 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74503 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 74368 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76581 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76955 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76719 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76580 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76726 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76690 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76686 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78770 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78820 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79048 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78445 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79512 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80163 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80331 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79817 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80113 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80067 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80740 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80742 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80739 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80738 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80736 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80747 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80712 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80930 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80784 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81074 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80705 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80706 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80707 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80708 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80709 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80711 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80743 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81410 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81411 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81429 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81431 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81430 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81292 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81828 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81587 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82031 |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1810114 |
| INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD00807964 |

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|--------------------------------|----------------------|-------------|
| GENERATION | | |
| INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE | 30019 |
| GENERATION | REGISTRATION # (SWR) | |
| INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50230 |
| STORAGE | | |
| INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50230 |
| STORAGE | | |
| STORMWATER | PERMIT | TXR05L392 |
| WATER RIGHTS | ID NUMBER | 4664 |
| WATER LICENSING | LICENSE | 1810114 |
| WASTEWATER | PERMIT | WQ000047500 |
| WASTEWATER | PERMIT | TPDES000632 |
| WASTEWATER | PERMIT | TX0006327 |
| IHW CORRECTIVE ACTION | SOLID WASTE | 30019 |
| | REGISTRATION # (SWR) | |
| INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50230 |
| COMPLIANCE PLANS | | |

Location: 3055 FM 1008, Orange County, TX, 77631 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 23, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 23, 2002 to August 23, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Tel Croston Phone: 239-5717

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/25/2003

ADMINORDER 2002-0440-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to conduct monthly fugitive monitoring on 3 pumps in benzene service during April, May, June, August, and September 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to conduct two successive leak free monthly fugitive monitoring events on 23 valves in benzene service from April through December of 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 4 PERMIT

Description: Failure to mark one valve in benzene service to distinguish them readily from other pieces of equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 15E PERMIT
Permit 914, SC4 PERMIT

Description: Failure to equip an open-ended line with a cap, blind flange, plug, or second valve.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 914, SC 14I PERMIT

Description: Failure to tag leaking components in VOC service which cannot be fixed until a unit shutdown.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 08/29/2002 | (6836) |
| 2 | 09/18/2002 | (159114) |
| 3 | 09/26/2002 | (11826) |
| 4 | 09/26/2002 | (10956) |
| 5 | 09/26/2002 | (11809) |
| 6 | 10/15/2002 | (13368) |
| 7 | 10/25/2002 | (159117) |
| 8 | 10/28/2002 | (10886) |
| 9 | 11/08/2002 | (16114) |
| 10 | 11/19/2002 | (14903) |
| 11 | 11/21/2002 | (159121) |
| 12 | 12/02/2002 | (17606) |
| 13 | 12/18/2002 | (18737) |
| 14 | 12/18/2002 | (18754) |
| 15 | 12/20/2002 | (159125) |
| 16 | 01/15/2003 | (20284) |
| 17 | 01/16/2003 | (159129) |

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| 18 | 02/21/2003 | (159088) |
| 19 | 03/21/2003 | (159091) |
| 20 | 03/27/2003 | (26363) |
| 21 | 04/13/2003 | (31391) |
| 22 | 04/13/2003 | (31376) |
| 23 | 04/13/2003 | (31386) |
| 24 | 04/13/2003 | (31383) |
| 25 | 04/15/2003 | (159096) |
| 26 | 04/16/2003 | (26146) |
| 27 | 04/16/2003 | (33743) |
| 28 | 05/16/2003 | (28165) |
| 29 | 05/19/2003 | (159100) |
| 30 | 06/25/2003 | (112308) |
| 31 | 06/27/2003 | (159108) |
| 32 | 06/27/2003 | (159104) |
| 33 | 07/01/2003 | (134042) |
| 34 | 07/01/2003 | (133983) |
| 35 | 07/01/2003 | (134010) |
| 36 | 07/15/2003 | (38074) |
| 37 | 07/15/2003 | (112514) |
| 38 | 07/15/2003 | (112516) |
| 39 | 07/15/2003 | (112518) |
| 40 | 07/15/2003 | (112519) |
| 41 | 07/22/2003 | (295812) |
| 42 | 08/04/2003 | (125899) |
| 43 | 08/18/2003 | (295810) |
| 44 | 08/22/2003 | (144190) |
| 45 | 08/27/2003 | (152757) |
| 46 | 08/27/2003 | (152763) |
| 47 | 08/27/2003 | (152759) |
| 48 | 08/27/2003 | (152760) |
| 49 | 08/27/2003 | (152752) |
| 50 | 08/29/2003 | (152995) |
| 51 | 08/29/2003 | (153012) |
| 52 | 10/17/2003 | (252339) |
| 53 | 10/21/2003 | (295815) |
| 54 | 10/29/2003 | (251998) |
| 55 | 11/13/2003 | (295816) |
| 56 | 12/08/2003 | (255358) |
| 57 | 12/08/2003 | (255362) |
| 58 | 12/08/2003 | (255366) |
| 59 | 12/11/2003 | (295817) |
| 60 | 12/15/2003 | (255071) |
| 61 | 12/29/2003 | (258574) |
| 62 | 12/29/2003 | (258639) |
| 63 | 12/29/2003 | (258593) |
| 64 | 12/29/2003 | (258585) |
| 65 | 12/29/2003 | (258553) |
| 66 | 01/20/2004 | (295819) |
| 67 | 01/28/2004 | (261078) |
| 68 | 01/28/2004 | (260132) |
| 69 | 01/29/2004 | (258780) |
| 70 | 02/06/2004 | (257858) |
| 71 | 02/13/2004 | (262593) |
| 72 | 02/13/2004 | (262596) |
| 73 | 02/13/2004 | (262585) |
| 74 | 02/23/2004 | (295799) |
| 75 | 02/25/2004 | (263758) |
| 76 | 03/04/2004 | (264387) |
| 77 | 03/04/2004 | (263186) |
| 78 | 03/26/2004 | (295802) |
| 79 | 03/30/2004 | (264141) |
| 80 | 03/30/2004 | (264137) |

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| 81 | 04/02/2004 | (332777) |
| 82 | 04/20/2004 | (269279) |
| 83 | 04/20/2004 | (269271) |
| 84 | 04/20/2004 | (269276) |
| 85 | 04/20/2004 | (264114) |
| 86 | 04/26/2004 | (295803) |
| 87 | 04/28/2004 | (266290) |
| 88 | 05/13/2004 | (271900) |
| 89 | 05/19/2004 | (270883) |
| 90 | 05/19/2004 | (270872) |
| 91 | 05/19/2004 | (270885) |
| 92 | 05/19/2004 | (270887) |
| 93 | 05/21/2004 | (267872) |
| 94 | 05/24/2004 | (295805) |
| 95 | 05/26/2004 | (266492) |
| 96 | 06/10/2004 | (269300) |
| 97 | 06/16/2004 | (271873) |
| 98 | 06/16/2004 | (274638) |
| 99 | 06/17/2004 | (272995) |
| 100 | 06/21/2004 | (295807) |
| 101 | 06/21/2004 | (295813) |
| 102 | 06/22/2004 | (274776) |
| 103 | 06/22/2004 | (274848) |
| 104 | 06/22/2004 | (274709) |
| 105 | 06/24/2004 | (269645) |
| 106 | 07/07/2004 | (352267) |
| 107 | 07/09/2004 | (273112) |
| 108 | 07/23/2004 | (274856) |
| 109 | 07/26/2004 | (279807) |
| 110 | 07/30/2004 | (285129) |
| 111 | 08/13/2004 | (352268) |
| 112 | 08/20/2004 | (276576) |
| 113 | 08/23/2004 | (288711) |
| 114 | 08/31/2004 | (253065) |
| 115 | 08/31/2004 | (253079) |
| 116 | 09/02/2004 | (289441) |
| 117 | 09/13/2004 | (282801) |
| 118 | 10/13/2004 | (336687) |
| 119 | 10/13/2004 | (336664) |
| 120 | 10/18/2004 | (352269) |
| 121 | 10/20/2004 | (292086) |
| 122 | 10/20/2004 | (291761) |
| 123 | 10/20/2004 | (291770) |
| 124 | 10/20/2004 | (292048) |
| 125 | 10/20/2004 | (291861) |
| 126 | 10/20/2004 | (292076) |
| 127 | 10/20/2004 | (291763) |
| 128 | 10/20/2004 | (293180) |
| 129 | 10/20/2004 | (292069) |
| 130 | 10/20/2004 | (291767) |
| 131 | 10/20/2004 | (292578) |
| 132 | 10/20/2004 | (291769) |
| 133 | 10/20/2004 | (292063) |
| 134 | 11/08/2004 | (339532) |
| 135 | 11/22/2004 | (338251) |
| 136 | 11/29/2004 | (352270) |
| 137 | 11/29/2004 | (338082) |
| 138 | 12/09/2004 | (285339) |
| 139 | 12/09/2004 | (337881) |
| 140 | 12/09/2004 | (337904) |
| 141 | 12/22/2004 | (381921) |
| 142 | 01/09/2005 | (342372) |
| 143 | 01/09/2005 | (342410) |

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| 144 | 01/21/2005 | (381922) |
| 145 | 02/21/2005 | (348629) |
| 146 | 02/22/2005 | (381920) |
| 147 | 03/03/2005 | (350005) |
| 148 | 03/04/2005 | (371431) |
| 149 | 03/04/2005 | (371423) |
| 150 | 03/04/2005 | (371426) |
| 151 | 03/29/2005 | (419759) |
| 152 | 03/30/2005 | (375164) |
| 153 | 03/30/2005 | (375158) |
| 154 | 04/01/2005 | (349907) |
| 155 | 04/08/2005 | (373226) |
| 156 | 04/20/2005 | (373311) |
| 157 | 04/25/2005 | (419760) |
| 158 | 04/25/2005 | (419763) |
| 159 | 04/28/2005 | (378722) |
| 160 | 04/28/2005 | (378717) |
| 161 | 04/29/2005 | (348352) |
| 162 | 04/29/2005 | (379040) |
| 163 | 05/16/2005 | (374625) |
| 164 | 05/31/2005 | (419761) |
| 165 | 05/31/2005 | (393307) |
| 166 | 06/13/2005 | (379238) |
| 167 | 06/28/2005 | (419762) |
| 168 | 07/12/2005 | (397336) |
| 169 | 07/12/2005 | (397233) |
| 170 | 07/13/2005 | (397746) |
| 171 | 07/13/2005 | (397015) |
| 172 | 07/13/2005 | (397437) |
| 173 | 07/15/2005 | (397147) |
| 174 | 07/15/2005 | (397700) |
| 175 | 07/15/2005 | (396777) |
| 176 | 08/17/2005 | (404042) |
| 177 | 08/18/2005 | (402083) |
| 178 | 08/19/2005 | (440895) |
| 179 | 08/26/2005 | (402989) |
| 180 | 10/21/2005 | (431191) |
| 181 | 10/27/2005 | (468549) |
| 182 | 10/27/2005 | (440896) |
| 183 | 11/15/2005 | (436523) |
| 184 | 11/28/2005 | (468550) |
| 185 | 12/05/2005 | (437856) |
| 186 | 12/27/2005 | (468551) |
| 187 | 01/13/2006 | (451620) |
| 188 | 01/30/2006 | (468552) |
| 189 | 01/30/2006 | (438126) |
| 190 | 02/04/2006 | (452772) |
| 191 | 02/04/2006 | (452809) |
| 192 | 02/23/2006 | (452806) |
| 193 | 02/28/2006 | (454800) |
| 194 | 02/28/2006 | (468547) |
| 195 | 02/28/2006 | (456864) |
| 196 | 03/23/2006 | (454880) |
| 197 | 03/27/2006 | (498278) |
| 198 | 04/05/2006 | (453563) |
| 199 | 04/13/2006 | (468548) |
| 200 | 04/25/2006 | (461211) |
| 201 | 05/01/2006 | (459960) |
| 202 | 05/01/2006 | (459864) |
| 203 | 05/01/2006 | (460085) |
| 204 | 05/11/2006 | (462874) |
| 205 | 05/16/2006 | (498279) |
| 206 | 05/24/2006 | (467236) |

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| 207 | 05/30/2006 | (467025) |
| 208 | 06/20/2006 | (498280) |
| 209 | 07/12/2006 | (498281) |
| 210 | 07/31/2006 | (484359) |
| 211 | 08/22/2006 | (520290) |
| 212 | 08/22/2006 | (520291) |
| 213 | 08/24/2006 | (487772) |
| 214 | 08/31/2006 | (458269) |
| 215 | 10/23/2006 | (520292) |
| 216 | 12/06/2006 | (532890) |
| 217 | 12/11/2006 | (514581) |
| 218 | 12/28/2006 | (270174) |
| 219 | 01/03/2007 | (534464) |
| 220 | 02/01/2007 | (538491) |
| 221 | 05/04/2007 | (542914) |
| 222 | 05/10/2007 | (555087) |
| 223 | 05/21/2007 | (556693) |
| 224 | 06/27/2007 | (565892) |
| 225 | 06/29/2007 | (564203) |
| 226 | 07/10/2007 | (562896) |
| 227 | 07/19/2007 | (565918) |
| 228 | 07/19/2007 | (565912) |
| 229 | 07/19/2007 | (565922) |
| 230 | 07/20/2007 | (565938) |
| 231 | 07/20/2007 | (565947) |
| 232 | 07/20/2007 | (565942) |
| 233 | 07/24/2007 | (564002) |
| 234 | 07/30/2007 | (564905) |
| 235 | 08/03/2007 | (568577) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.).

| | | | | |
|--------------|---|----------|-------------|----------|
| Date | 09/30/2002 | (159117) | | |
| Self Report? | YES | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | | |
| Description: | Failure to meet the limit for one or more permit parameter | | | |
| Date | 02/28/2003 | (159091) | | |
| Self Report? | YES | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | | |
| Description: | Failure to meet the limit for one or more permit parameter | | | |
| Date | 04/17/2003 | (26146) | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A) | | | |
| Description: | Failure to collect routine bacteriological samples at active service connections which are representative of water throughout the distribution | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h)[G] | | | |
| Description: | Failure to protect the public drinking water supply system from potential contamination hazards. | | | |
| | During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool. | | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.111(e)(1) | | | |
| Description: | Failure to notify the Commission by the next business day of a combined filter effluent turbidity level exceeding 1.0 NTU. | | | |
| | During the investigation, it was noted that the water system had a combined filter effluent turbidity level of 2.5 NTUs on April 18, 2002. | | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A) | | | |
| Description: | Failure to provide vacuum breakers on five hose bibbs within the surface water treatment plant. | | | |

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|--------------|---|-------------|----------|
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) | | |
| Description: | Failure to provide the manual disinfectant residual analyzer calibration log during the investigation. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J) | | |
| Description: | Failure to provide concrete sealing blocks on Well # 1 and Well # 2 that extend at least 36 inches in all directions from the well casings. | | |
| | During the investigation, it was noted that the sealing blocks on Well # 1 and Well # 2 extended about 21 inches from the well casings. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)[G] | | |
| Description: | Failure to maintain the surface water treatment plant. | | |
| | During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E) | | |
| Description: | Failure to provide facilities to monitor the depth of the sludge-blanket. | | |
| Date | 08/31/2003 (295812) | | |
| Self Report? | YES | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 02/29/2004 (295802) | | |
| Self Report? | YES | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 04/02/2004 (332777) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) | | |
| Description: | NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| Date | 04/20/2004 (264114) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 335, SubChapter A 335.6(c)[G] | | |
| Description: | Failure to provide written notification of the container storage area for the hazardous waste railcar. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 335, SubChapter A 335.4[G] | | |
| Description: | Failure to prevent an unauthorized discharge near the 15 psi steam condensate pump next to Bldg#261 of the HMD unit. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 335, SubChapter E 335.112(a)(1) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d) | | |
| Description: | Failure to place the name of the inspector on the container storage area (CSA) inspection log for Building #568. | | |
| Date | 06/10/2004 (269300) | | |
| Self Report? | NO | Classificat | Minor |
| Rqmt Prov: | PERMIT WQ 0475-000 | | |
| Description: | Numerous willows and tallows were observed growing in the embankments on the pond system. | | |
| Date | 06/16/2004 (271873) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h)[G] | | |
| Description: | Failure to protect the public drinking water supply system from potential contamination hazards. | | |
| | During the investigation, it was noted that the water system did not have the required backflow prevention assemblies on the water lines to a medical clinic, a dock, and a public swimming pool. | | |
| Self Report? | NO | Classificat | Minor |

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|--------------|---|-------------|----------|
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)[G] | | |
| Description: | Failure to maintain the surface water treatment plant. | | |
| | During the investigation, it was noted that the interiors of both clarifiers have areas of corrosion, and the water system manager told the investigator she believed that the underdrain on filter # 2 is damaged. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)[G] | | |
| Description: | Failure to maintain perform needed maintenance. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C) | | |
| Description: | Failure to protect the public drinking water supply system from a potential contamination hazard. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(f) | | |
| Description: | Failure to provide containment on the overhead bulk polymer tank. | | |
| Date | 08/23/2004 (288711) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.45(a) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Rqmt Prov: | PERMIT 1468, Special Condition 7B OP O-02075, Special Condition 4F OP O-02075, Special Condition 9 | | |
| Description: | Failure to conduct quarterly Cylinder Gas Audit (CGA) and Calibration Error (CE) testing on the Continuous Emissions Monitoring System (CEMS) for the Adiponitrile (ADN) North Boiler, Emission Point Number (EPN) PP-40B. | | |
| Date | 09/02/2004 (289441) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Rqmt Prov: | PERMIT 21236, Special Condition 5E OP O-01895, Special Condition 6 | | |
| Description: | Failure to submit a final sampling report within 30 days of performing the stack sampling. | | |
| Date | 04/08/2005 (373226) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 335, SubChapter A 335.4[G] | | |
| Description: | Failure to prevent an unauthorized discharge. | | |
| Date | 08/18/2005 (404042) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(f) | | |
| Description: | Failure to provide containment on the overhead bulk polymer tank. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C) | | |
| Description: | Failure to properly vent gas chlorination facilities. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E) | | |
| Description: | Failure to provide filter to waste connections with an air gap. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) | | |
| Description: | Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known | | |
| Date | 11/30/2005 (468551) | | |
| Self Report? | YES | Classificat | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |
| Date | 01/30/2006 (438126) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 335, SubChapter F 335.152(a)(1) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d) | | |

Description: Failure to maintain records of weekly container storage area inspections.
 Date 02/24/2006 (565912)
 Self Report? NO Classificat Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: December 2005 - 4 days with a low concentration time for more than 4 consecutive hours.
 Date 02/24/2006 (565892)
 Self Report? NO Classificat Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: November 2004 - 4 days with a low CT for more than 4.0 consecutive hours. Treatment Technique Violation.
 Date 02/28/2006 (498278)
 Self Report? YES Classificat Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 05/11/2006 (565922)
 Self Report? NO Classificat Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: February 2006 - 1 day with a low concentration time for more than 4 consecutive hours.
 Date 05/24/2006 (467236)
 Self Report? NO Classificat Minor
 Rqmt Prov: PERMIT WQ 0475-000
 Description: Numerous willows and tallows were observed growing in the embankments on the pond system.

Self Report? NO Classificat Minor
 Rqmt Prov: PERMIT M&RR 2
 Description: Failure by E. I. Dupont De Nemours and Company-Sabine River Works to include correction factors obtained during thermometer verification in temperature measurements.
 Date 05/30/2006 (467025)

Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
 Description: Failure to provide containment on the overhead bulk polymer tank.

Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
 Description: Failure to properly vent gas chlorination facilities.

Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
 Description: Failure to provide filter to waste connections with an air gap.

Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every thirty days using chlorine solutions of known

Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

Description: Failure to provide a well blow -off that is not subject to submergence.
 Self Report? NO Classificat Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain calibration records for laboratory equipment.
 Self Report? NO Classificat Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Description: Failure to restandardized the secondary standards each time the Bench top turbidity meter is calibrated with primary standards.
 Self Report? NO Classificat Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

Description: Failure to perform primary calibrations on the on-line turbidity meters with

| | | | | |
|--------------|---|--|-------------|----------|
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v) | | | |
| Description: | Failure to maintain complete records of on-line pH meter calibrations. | | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A) | | | |
| Description: | Failure to properly inspect the potable filter well. | | | |
| Date | 07/07/2006 (565938) | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i) 30 TAC Chapter 290, SubChapter F 290.111(f)(5) | | | |
| Description: | May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5) | | | |
| Description: | May 2006 - 32.7% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit. | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) | | | |
| Description: | May 2006 - 1 day when concentration time data were not collected. | | | |
| Date | 08/24/2006 (487772) | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(o) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | PERMIT 9176 OP O-02001, General Terms and Conditions OP O-02001, Special Condition 8A | | | |
| Description: | Failure to re-monitor replaced valves and compressor seals as required by | | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | PERMIT 9176 OP O-02001, General Terms and Conditions OP O-02001, Special Condition 1A OP O-02001, Special Condition 8A | | | |
| Description: | Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. | | | |
| Self Report? | NO | | Classificat | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.520 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | OP O-02074, General Terms and Conditions OP O-02074, Special Condition 1E OP O-02074, Special Condition 1H | | | |
| Description: | Failure to equip each sampling connection system with a closed-purge, closed-loop, or closed vent system. | | | |
| Self Report? | NO | | Classificat | Minor |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.520 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 113, SubChapter E 113.3050 30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | PERMIT 914 OP O-02074, General Terms and Conditions OP O-02074, Special Condition 15A OP O-02074, Special Condition 1A OP O-02074, Special Condition 1E OP O-02074, Special Condition 1H OP O-02074, Special Condition 1I | | | |
| Description: | Failure to operate without a cap, blind flange, plug, or a second valve | | | |

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| | installed on equipment in VOC service. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | OP O-02074, General Terms and Conditions OP O-02074, Special Condition 1E OP O-02074, Special Condition 1G | | |
| Description: | Failure to take a minimum of three sets of samples at each entrance and exit of the heat exchanger system. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.560 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | OP O-02074, General Terms and Conditions OP O-02074, Special Condition 1E OP O-02074, Special Condition 1G | | |
| Description: | Failure to use a method listed in 40 CFR Part 136 to determine the concentration of the monitored substance in the heat exchange cooling | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | OP O-02074 | | |
| Description: | Failure to report the occurrence of a deviation in a semiannual deviation | | |
| Date | 11/17/2006 (565918) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B) 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C) 30 TAC Chapter 290, SubChapter F 290.110(f)(4) | | |
| Description: | January 2006 - 3 days with a low concentration time for more than 4 consecutive hours. | | |
| Date | 12/12/2006 (514581) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter H 116.814(a) 30 TAC Chapter 116, SubChapter H 116.820 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | PERMIT 49076 OP O-01901 | | |
| Description: | Failure to obtain a permit amendment prior to a modification of the facility. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | OP O-02055 | | |
| Description: | Failure to equip each open-ended line with a cap, blind flange, plug, or a second valve. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 116, SubChapter H 116.814(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | PERMIT 49076 OP O-01901 | | |
| Description: | Failure to keep records of visible emissions observations. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Description: | Failure to submit an accurate deviation report. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter B 115.114(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt. Prov: | OP O-02055 | | |

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| Description: | Failure to conduct a floating roof tank inspection. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | PERMIT 20204 OP O-02055 | | |
| Description: | Failure to install a continuous flow monitor and a Btu Analyzer and have them operational within 180 days from the approval of the permit | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | PERMIT 20204 OP O-02055 | | |
| Description: | Failure to record Abater emissions in maximum pounds per hour and tons per year at least quarterly for review by TCEQ personnel. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 115, SubChapter D 115.354(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Rqmt Prov: | OP O-02055 | | |
| Description: | Failure to monitor a pressure relief valve, that has vented to the atmosphere, within 24 hours of the release. | | |
| Date | 01/30/2007 (565942) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5) | | |
| Description: | December 2006 - 52.2% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit. | | |
| Date | 03/07/2007 (565947) | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii) 30 TAC Chapter 290, SubChapter F 290.111(f)(5) | | |
| Description: | January 2007 - 32.5% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit. | | |
| Date | 05/10/2007 (555087) | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E) | | |
| Description: | Failure to provide filter to waste connections with an air gap. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L) | | |
| Description: | Failure to provide a well blow-off that is not subject to submergence. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(13)(G) | | |
| Description: | Failure to provide appropriate labels on several of the water lines and chemical feed lines. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(4) | | |
| Description: | Failure to complete the December 2006 surface water monthly operating report (SWMOR) with the proper contact time (CT) numbers. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(5) | | |
| Description: | Failure to monitor and record the quantity of water used each day for backwashing as required by the water system's exception to the rule for a | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i) | | |
| Description: | Failure to calibrate the benchtop pH meter according to manufacturer's specifications at least once a day. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii) | | |
| Description: | Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii) | | |
| Description: | Failure to calibrate the online turbidimeters with primary standards at least once every 90 days. | | |

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| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)[G] | | |
| Description: | Failure to provide unexpired buffer solutions to calibrate the benchtop pH | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A) | | |
| Description: | Failure to install and test an appropriate backflow prevention assembly before the bulk water loading station at Well #3. | | |
| Self Report? | NO | Classificat | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) | | |
| Description: | Failure to maintain an adequate free chlorine residual. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii) | | |
| Description: | Failure to calibrate the online pH meter according to manufacturer's specifications at least once every 30 days. | | |
| Self Report? | NO | Classificat | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iv) | | |
| Description: | Failure to check the calibration of the online pH meter at least once each week with a primary standard or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. | | |

F. Environmental audits.

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| Notice of Intent Date: | 05/25/2005 | (281209) |
| No DOV Associated | | |
| Notice of Intent Date: | 06/28/2005 | (403043) |
| No DOV Associated | | |
| Notice of Intent Date: | 03/21/2006 | (461674) |
| No DOV Associated | | |
| Notice of Intent Date: | 03/28/2006 | (462849) |
| Disclosure Date: | 09/01/2006 | |
| Viol. Classification: | Moderate | |
| Rqmt | PERMIT Operating Permit 02074 | |
| Description: | Failure to use certified opacity reader and meet all requirements of Test Method 9. | |
| Viol. Classification: | Moderate | |
| Rqmt | PERMIT NSR Permit 49076 | |
| Description: | Failure to monitor air filter vents daily. | |
| Viol. Classification: | Moderate | |
| Citation: | 30 TAC Chapter 115, SubChapter D | |
| Description: | Failure to monitor valves quarterly. | |
| Viol. Classification: | Moderate | |
| Citation: | 30 TAC Chapter 290, SubChapter D | |
| Description: | Failure to monitor and record filter backwash used. | |
| Viol. Classification: | Moderate | |
| Citation: | 30 TAC Chapter 335, SubChapter F 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B | |
| Description: | Failure to post "Danger-Unauthorized Personnel Keep Out" signs at 4 permitted facilities. | |
| Viol. Classification: | Minor | |
| Citation: | 30 TAC Chapter 335, SubChapter A 30 TAC Chapter 335, SubChapter C | |
| Description: | Failure to update NOR. | |
| Viol. Classification: | Minor | |
| Citation: | 30 TAC Chapter 335, SubChapter O 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A | |
| Description: | Failure to properly complete land disposal restriction forms | |
| Viol. Classification: | Moderate | |
| Citation: | 30 TAC Chapter 335, SubChapter C 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C | |
| Description: | Failure to timely transport hazardous waste from satellite accumulation location to approved NOR | |
| Viol. Classification: | Moderate | |
| Rqmt | PERMIT RCRA Permit HW-50230-001 | |
| Description: | Failure to update waste characterization forms. | |
| Viol. Classification: | Minor | |
| Citation: | 30 TAC Chapter 335, SubChapter A 30 TAC Chapter 335, SubChapter C | |
| Description: | Failure to dispose of one dumpster hazardous waste within 90 days. | |

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E.I. DU PONT DE NEMOURS AND
COMPANY
RN100542711**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1755-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical refining facility with a surface water treatment plant that is a public water system at 3055 Farm-To-Market Road 1008 in Orange,

Orange County, Texas (the "Facility") and serves at least 25 people per day for at least 60 days per year.

2. During a record review on February 11, 2007, TCEQ staff documented that the Respondent:
 - a. Did not provide at least a 0.5-log inactivation of *Giardia lamblia* cysts and a 2-log inactivation of viruses for the months of November 2004, December 2005, and January and February 2006;
 - b. Did not maintain the water turbidity of the combined filter effluent at 0.3 Nephelometric Turbidity Units ("NTU") or less in at least 95% of the samples tested in May and December 2006 and January 2007 and failed to maintain the combined filter effluent below 1.0 NTU in May 2006; and
 - c. Did not measure and record the turbidity level of the combined filter effluent at least once each day. Specifically, the Respondent failed to collect data for one day in May 2006.
3. The Respondent received notice of the violation on July 23, 2007.
4. The Executive Director recognizes that documentation was submitted to the TCEQ showing that the Respondent achieved compliance by February 1, 2007.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2.a., the Respondent failed to provide at least a 0.5-log inactivation of *Giardia lamblia* cysts and a 2-log inactivation of viruses, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(1)(A) and (f)(4), as documented by a record review conducted on February 11, 2007.
3. As evidenced by Findings of Fact No. 2.b., the Respondent failed to maintain the combined filter effluent turbidity at 0.3 NTU or less in at least 95% of the samples tested and failed to maintain the combined filter effluent below 1.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.111(b)(1)(A)(i) and (a)(ii) and (f)(5), as documented by a record review conducted on February 11, 2007.
4. As evidenced by Findings of Fact No. 2.c., the Respondent failed to measure and record the turbidity level of the combined filter effluent at least once each day, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(1)(A) and (f)(2), as documented by a record review conducted on February 11, 2007.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the

Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of Five Thousand Three Hundred Forty-Two Dollars (\$5,342) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Five Thousand Three Hundred Forty-Two Dollar (\$5,342) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand Three Hundred Forty-Two Dollars (\$5,342) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2007-1755-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
4. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
5. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

6. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

E.I. du Pont de Nemours and Company
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/2/2008

Date

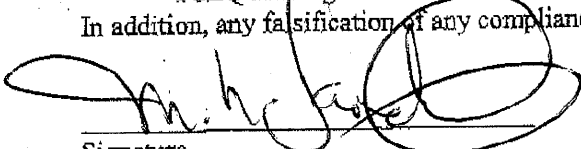
I, the undersigned, have read and understand the attached Agreed Order in the matter of E.I. Du Pont De Nemours and Company. I am authorized to agree to the attached Agreed Order on behalf of E.I. Du Pont De Nemours and Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, E.I. Du Pont De Nemours and Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-26-08

Date

Michael N. Sanchez

Name (Printed or typed)
Authorized Representative of
E.I. Du Pont De Nemours and Company

Site Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

